

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

| | | |
|----------------------------------|---|----------------------------|
| ANA VILLANUEVA, |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| v |) | Case No. 1:15-cv-03747-SCJ |
| |) | |
| HANSEN SHIPPING AGENCY INC., and |) | |
| DAVID SMITH |) | |
| |) | |
| <u>Defendants</u> |) | |

STIPULATION OF DISMISSAL

The undersigned counsel for all parties hereby stipulate and agree that, pursuant to Federal Rule of Civil Procedure 41(a), and all other applicable law, the above-styled action is hereby dismissed, each party to bear his or her own costs.

Specifically, it is stipulated that Count I – FLSA is dismissed as barred by the terms of the parties’ Arbitration Agreement as set forth in § 4.7 of the At-Will Employment Agreement between the parties dated August 16, 2013.

Further, it is stipulated that Count II (Negligent Hiring, Supervision and Retention) against Defendant Hansen Shipping, and Counts III, IV, and V (Intentional Infliction of Emotional Distress, Attorneys’ Fees- State Law Claims, and Punitive Damages- State Law Claims) against both Defendants, are dismissed

for lack of subject matter and/or *in personam* jurisdiction in this Court.

Respectfully submitted this January 13, 2016.

/s/ Walter J. Kruger III

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